

*****This is a Court-Authorized Notice, Not a Solicitation from a Lawyer*****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

C. M. COLLINS, N. J. LUNDY, and R. §
C. L. MAYS, individually, and on behalf §
of all others similarly situated, §

Plaintiffs, §

v. §

CATASTROPHE RESPONSE UNIT, §
INC. and CATASTROPHE RESPONSE §
UNIT USA, INC., §

Defendants. §

NO. 4:22-CV-1073-SDJ

**NOTICE OF YOUR RIGHT TO JOIN A
LAWSUIT SEEKING RECOVERY OF
UNPAID OVERTIME WAGES**

INFORMATION ABOUT YOUR RIGHT TO JOIN THIS LAWSUIT

TO: All individuals who worked for CRU as Desk Adjusters in the United States, were classified as independent contractors, and were compensated on a day rate basis within the three-year period preceding the filing of this lawsuit.

RE: Notice of your right to join a lawsuit seeking recovery of unpaid overtime wages.

DEADLINE TO RETURN SIGNED CONSENT FORM: [REDACTED]

1. Why Am I Receiving This Notice?

You received this Notice because the Court in which this lawsuit was filed approved this Notice to be sent to individuals identified by CRU's records as a current or former desk adjuster for CRU who CRU classified as an independent contractor.

You may be eligible to join this lawsuit if:

- You are or were a desk adjuster who was classified as an independent contractor by CRU at any between December 27, 2019, and the present, and you performed work for CRU while in the United States.

This notice is intended to advise you of how your rights under the Fair Labor Standards Act ("FLSA") may be affected by this lawsuit and to describe how to join this lawsuit, if you want to.

2. What Is This Lawsuit About?

Plaintiffs, C.M. Collins, N.J. Lundy, and R.C.L. Mays, filed this lawsuit individually and on behalf of other current and former desk adjusters against CRU for unlawfully: (1) misclassifying desk adjusters as independent contractors and (2) failing to pay them all overtime wages due as required by federal law. In addition to seeking recovery of unpaid overtime wages, the lawsuit seeks recovery of liquidated damages, attorneys' fees, and costs.

CRU denies the allegations and disputes liability arising from the allegations.

The Court has authorized this notice but takes no position on the merits of the allegations or defenses, nor has the Court ruled on the merits of the claims in this lawsuit.

3. How Do I Join This Lawsuit?

If you choose to join the lawsuit and make a claim for unpaid overtime wages, you must sign and return the attached Consent Form to Plaintiffs' counsel listed below. You may submit your signed consent electronically at [\[URL\]](#); by email to consents@obrienlawpc.com, or by mail using the enclosed pre-stamped, self-addressed envelope to Plaintiffs' lawyers:

Kerry O'Brien
O'Brien Law Firm
1011 Westlake Drive
Austin, Texas 78746
phone: (512) 410-1960
fax: (512) 410-6171
email: consents@obrienlawpc.com

IF YOU WISH TO JOIN IN THIS LAWSUIT, YOU MUST READ, SIGN, AND RETURN THE ATTACHED CONSENT TO JOIN FORM BY [\[REDACTED\]](#).

4. What Happens If I Join This Lawsuit?

By timely submitting the Consent to Join Form, you will be part of this case and agree to be represented by the law firms of O'Brien Law, P.C. and Gasper Law PLLC.

If you join this lawsuit, you will be bound by the judgment of the Court, whether it is favorable or unfavorable to the Plaintiffs. If Plaintiffs win or a settlement is reached, you may be entitled to a sum as part of the judgment or settlement. However, if Plaintiffs lose, you will receive nothing. In no event will anyone who joins this lawsuit owe any fees to the attorneys if no back wages are received or recovered.

If you decide to join the lawsuit, you may be required to answer written discovery questions, produce records and documents relating to your claim, testify at a deposition, testify at trial, or any combination of the above.

Federal law prohibits CRU or anyone else from retaliating against you for exercising a legal right or attempting to prevent you from joining this lawsuit. If you suspect any retaliation, you should immediately contact the attorneys below by calling (512) 410-1960.

5. What Happens If I Do Not Join This Lawsuit?

By doing nothing, you are choosing not to participate in this lawsuit, and you will not be part of this case or be represented by Plaintiffs' counsel. The decision to join is entirely yours.

If you do not to join, you will not be entitled to recover any money awarded whether through a settlement or judgment and you will not be bound by the judgment in this lawsuit or by the terms of a settlement (if one is reached), whether favorable or unfavorable. If you do not join this lawsuit, your rights to sue CRU separately at a future time, for the same or related claims, to the extent permitted by law, will not be affected. However, there is a deadline ("statute of limitations") requiring you to file claims by a certain time, and the failure to file a claim within the deadline will likely result in your claims being time-barred.

6. How Do I Get More Information?

You may contact the Plaintiffs' attorneys listed below to receive more information or with any questions you may have. You may also contact an attorney of your own choosing.

Kerry V. O'Brien

Texas Bar No. 24038469



1011 Westlake Drive

Austin, Texas 78746

phone: (512) 410-1960

fax: (512) 410-6171

email: ko@obrienlawpc.com

Travis Gasper

Texas Bar No. 24096881

GASPER LAW PLLC

1408 N. Riverfront Blvd., Suite 323

Dallas, Texas 75207

phone: (469) 663-7736

fax: (833) 957-2957

email: travis@travisgasper.com

CONSENT TO JOIN FLSA LAWSUIT

By signing below, I hereby give my consent to participate in a collective action lawsuit against Catastrophe Response Unit, Inc. and Catastrophe Response Unit USA, Inc. (collectively, "Defendants") to pursue claims of unpaid overtime wages. I understand that this lawsuit is brought under the Fair Labor Standards Act and I consent to be bound by the Court's decision or any settlement reached in this lawsuit.

By signing this consent, I designate the attorneys at O'Brien Law, P.C., Gasper Law PLLC, and any other attorneys with whom they may associate, to pursue my claims for unpaid wages. I consent to having the Named Plaintiffs C.M. Collins, N.J. Lundy, and R.C.L. Mays and Plaintiffs' counsel make decisions on my behalf regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement in this litigation, entering into an agreement with Plaintiff's Counsel regarding representation, and all other matters pertaining to the lawsuit.

I understand that the Named Plaintiffs have entered into a Representation Agreement with O'Brien Law, P.C. By signing this consent, I agree to be bound by the Representation Agreement. I understand that I may obtain a copy of the Representation Agreement by requesting it from O'Brien Law, P.C.

I understand that the attorneys may, in the future, appoint other individuals to be Representative Plaintiff(s) in this litigation. I consent to such appointment and agree to be bound by the decisions of such Representative Plaintiff(s) for all purposes related to this litigation.

I acknowledge that this consent will be filed to recover wages that I may be owed by Defendants, whether in this action or a subsequent action filed on my behalf for the recovery of my wage claim. If needed, I authorize the attorneys at O'Brien Law P.C. and Gasper Law PLLC to use this consent to re-file my claim in a separate or related action against Defendants.

Printed Name

Date

Signature

RETURN THIS FORM BY MAIL, EMAIL, OR FAX TO:

O'Brien Law Firm
1011 Westlake Drive
Austin, Texas 78746
Fax: (512) 410-6171
Email: consents@obrienlawpc.com

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

This information will be kept confidential and will not be made part of any public record. This information is necessary for your attorneys' files for litigation and possible settlement purposes.

Name: _____
First Middle Initial Last

Other name(s) used/known by: _____

Street Address: _____

City, State, & Zip Code: _____

Phone: _____ Email: _____

Estimated dates you worked for CRU: _____

Average number of hours per week you worked for CRU: _____

**Return this form with your signed consent by []
to Plaintiffs' counsel below by mail, email, or fax:**

O'Brien Law Firm
1011 Westlake Drive
Austin, Texas 78746
Fax: (512) 410-6171
Email: consents@obrienlawpc.com